



MINUTES
AD HOC COMMITTEE ON DIVERSITY
Friday, August 12, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Call to Order

The meeting was called to order at 11:49 a.m.

Committee Members

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley-excused
Councilmember Jody Washington- arrived at 11:48 a.m.

Others Present

Sherrie Boak, Council Staff
Tammy Lemmer, TCOA
Elaine Womboldt
Steve Purchase
Jim Smiertka, City Attorney – arrived at 11:58 a.m. and left at 12:34 p.m.
Mark Dotson, Deputy City Attorney

No Quorum - Informational

Councilmember Wood reminded Mr. Dotson that Law was research the probability of using the Citizen Investigator to investigate complaints filed on the Human Rights Ordinance. Whether there was anything in the ordinance that would preclude the Investigator from doing that. Mr. Dotson stated that the ordinances clearly states the position addresses citizen complaints thru the police, however does not think the ordinance restricts its role. Councilmember Wood then asked what Dr. Johnson thoughts were on this position and Mr. Dotson explained she would not allow that as part the Investigator job capacity. Mr. Dotson noted that even though he is dedicated to the Police Commission he could not reconcile funding from the Police and Dr. Johnson stated HRCS is paying that position. Councilmember Wood noted if the position is not being used 8 hours a day by LPD, there is a window of opportunity for his services.

Mr. Dotson stated that after a conversation he had with the City Attorney, a suggestion was made to have the Mayor appoint an independent person to investigate the complaints, however they were not sure on the funding for that type of proposal. Ms. Lemmer asked if it would be a standing appointment or case by case. Mr. Dotson stated it would on a term limit to be consistent with other appointments.

Quorum – Meeting called to Order

Councilmember Washington suggested the City Attorney office undertake the process. Councilmember Wood explained when this came up before the concern was that if law handles it and there is court action there would be a conflict. She reminded everyone that currently there is an adopted ordinance on the books that is not enforceable. It was suggested that Law pursue amending the ordinance to reflect that Hearing Officer is appointed by the Mayor with a 2 year time limit.

Ms. Womboldt asked that the appointment include criteria. Mr. Purchases spoke on the need for the current Hearing Officer in HRCS to handle these cases also because it is the appropriate Department, and the person should be filling that role as the current ordinance is in effect today.

Councilmember Wood asked Mr. Dotson how, if an ordinance is in place and regulates, that a Department Director can they refuse to enforce. Mr. Purchase suggested in the implementation of the amended ordinance be structure it so that if the Hearing Officer hears less than a certain amount per year, then Council will appoint a separate person to fulfill that role.

Councilmember Washington stated her understanding that the Citizen Investigator is currently getting paid and if they have down time it would be okay to fulfill this role. The Council's job is legislature and the Administration job is to regulate. There should be no need to pay a current staff person, and then hire another person to do the same thing. Councilmember Washington requested that Dr. Johnson needs to attend a meeting for this discussion.

Councilmember Wood reminded the Committee that the last time Dr. Johnson was present at a meeting she stated she didn't have any staff to do the work, therefore was not responsible for it. Mr. Dotson confirmed he was told by Dr. Johnson she would not commit to doing it.

Mr. Smiertka recommended the appointment of a citizen, however understands if we have an Investigator already why hire someone else. Councilmember Wood suggested pursuing the appointment of a Hearing Officer so the ordinance can move forward and be enforced.

Mr. Dotson stated Dr. Johnson has agreed to receive the complaint, vet it to determine if it needs to go further, determine if there is enough evidence and move onto an officer at that point. The Committee was referred to page 20, line 5 of the ordinance.

Mr. Smiertka recommended removing everything after page 23, line 13. The HRCS Department would receive the complaints, screen and find merit for more investigation then refer to the City Attorney office to schedule the informal hearings. Mr. Dotson stated he would work with Mr. Smiertka on a final draft for the next meeting, and Councilmember Wood clarified that all complaints will go to law.

Upcoming meeting topics

The Committee suggested Ms. Riley the HR Director to speak on all hiring in the City, Code Compliance to discuss their effect on different groups, Mr. Dotson suggested representatives from Black Lives Matter, and Councilmember Washington encourage more involvement with the Latino community. The Latino Community is currently pursuing the formalization of renaming Grand River permanently to Cesar Chavez.

Minutes

MOTION BY COUNCILMEMBER WASHINGTON TO APPROVE THE MINUTES FROM JULY 22, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Mr. Dotson asked the Committee what process they were using to promote diversity and who speaks to that. Councilmember Washington acknowledged that the Latino community is looking for more support, more assistance with employment and better assistance with community education.

Councilmember Wood mentioned a future Committee on Public Safety meeting regarding 3200 S. Washington that will be held at the McLaren Education Center on August 30, 2016. Ms. Lemmer clarified she could not provide transportation, but could provide information on transportation services to Council Staff. This type of transportation will have a cost associated with it.

Mr. Dotson suggested inviting a member from the transgender community to a future meeting.

Adjourn

Adjourn at 12:46 p.m.

Submitted by, Sherrie Boak, Council Office Manager

Approved by Committee on August 26, 2016